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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/552,282   | 06/05/2006  | Kazuhisa Tsuchiya    | 450100-05087        | 1984             |
| 7590<br>William S Frommer<br>Frommer Lawrence & Haug<br>745 Fifth Avenue<br>New York, NY 10151 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| BLACK, LINH  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2159   |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/552,282

Applicant(s)

TSUCHIYA ET AL.

Examiner

LINH BLACK

Art Unit

2159

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is responsive to the document filed 3/27/09. Claims 1-12 are pending in the application. Claims 1, 6, 8-12 are independent claims.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The language of claims 8-12 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claims 8-10 are rejected under 35 U.S.C. 101 because there is no tie to a physical element that would realize the steps of the method in the claims' limitations. Also for claims 11-12, the claims' limitations are just software per se. Appropriate action is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al. (2002/0181938) in view of Chadwick (US 7149750).

As per claims 1, 8, 10-11, Tsumagari et al. teach detecting an identification data item for identifying a predetermined data item from a target data having a plurality of module/pack data respectively including said predetermined data item and said identification data item, the plurality of module data and data included in the module data all being KLV/pack (key, length, data item V) data – pars. 11, 135, 301-302, 543, 545, 549.

signaling to a data-using entity of the predetermined data that said identification data item has been detected – pars. 63, 68, 303, 578. However, Tsumagari does not disclose wherein the target data has a MXF format...plurality of module data. Chadwick discloses KLV metadata object with key, length, and value fields in fig. 2b; MXF Files, items 100, 144; MXF formatter, item 140, fig. 3; col. 3, line 47 to col. 4, line 23; col. 5, lines 5-54; col. 7, line 50 to col. 8, line 54. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Tsumagari's teaching with Chadwick's teaching in order to allow the exchanging of digital video content as a file/files, thus, the transmitting of these different files would be content independent and does not require the use of a certain machine/equipment thus, providing efficient working practices and improving workflows.

As per claim 2, Tsumagari et al. teach

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in response to a request from said data-using entity, supplying said data-using entity with said predetermined data item from within said module data and said identification data item having been detected in said first routine – pars. 68, 303, 578.

As per claim 3, Tsumagari et al. teach

wherein said second routine signals to said data-using entity only if the identification data item designated beforehand by said data-using entity has been detected in said first routine – pars. 57, 288.

As per claim 4, Tsumagari et al. teach

based on said identification data item, gives said data-using entity the signal designating an attribute of the module data formed by said detected identification data item – pars. 395-403.

As per claim 5, Tsumagari et al. teach

wherein said identification data item is detected from said target data, said target data comprising: first module data including content data as said predetermined data item – pars. 157-159, 190, 315.

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and second module data including attribute data of said content data as said predetermined data item – pars. 57, 288, 395.

As per claims 6, 9, 12, Tsumagari et al. teach

requesting a predetermined data item from a data provider providing said predetermined data item – pars. 124, 405.

receiving said predetermined data item from said data provider in response to the request – pars. 63, 303, 386, 578.

generating module data including said predetermined data item received in said second routine and an identification data item for identifying said predetermined data item – pars. 11, 135, 301-302, 543 (pack header, pack stuffing length, data), 545, 549.

generating data having a plurality of said module data generated in said third routine – pars. 303 (generating results and displaying to users), 349. However, Tsumagari does not disclose wherein the target data has a MXF format...plurality of module data. Chadwick discloses KLV metadata object with key, length, and value fields in fig. 2b; MXF Files, items 100, 144; MXF formatter, item 140, fig. 3; col. 3, line 47 to col. 4, line 23; col. 5, lines 5-54; col. 7, line 50 to col. 8, line 54. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Tsumagari's teaching with Chadwick's teaching in order to allow the exchanging of digital video content as a file/files, thus, the

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transmitting of these different files would be content independent and does not require the use of a certain machine/equipment thus, providing efficient working practices and improving workflows.

As per claim 7, Tsumagari et al. teach

receiving attribute data indicating an attribute of content data – pars. 288-289, 532.

generating first module data including said attribute data... as said predetermined data item – pars. 440-441, 495.

wherein said first routine requests said content data from said data provider; receives said content data from said data provider in response to said request – pars. 124, 157-158, 543.

generates second module data including said content data, which is received in said second routine, as said predetermined data item – pars. 138-142, 380.

generates data having said first module data generated in said sixth routine and of said second module data generated in said third routine – pars. 138-142, 366.

### ***Response to Arguments***

Applicant's arguments filed 3/27/09 have been fully considered but they are not persuasive. The newly added limitations in the independent claims are provided with columns and lines cited above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUNG Q. PHAM/  
Primary Examiner, Art Unit 2159

/LINH BLACK/  
Examiner  
Art Unit 2159